



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Meeting Minutes - Approved PLAN COMMISSION

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Monday, October 17, 2016

5:30 PM

210 Martin Luther King, Jr. Blvd.
Room 201 (City-County Building)

CALL TO ORDER/ROLL CALL

- Present:** 8 - Steve King; Ken Opín; Maurice C. Sheppard; Melissa M. Berger; James F. Oeth; Michael W. Rewey; Bradley A. Cantrell and James E. Polewski
- Excused:** 3 - Ledell Zellers; Sheri Carter and Fatima Bendada

Ken Opín was chair for the meeting.

Staff Present: Heather Stouder, Kevin Firchow, and Urvashi Martin, Planning Division; Matt Tucker, Building Inspection Division; and Yang Tao, Traffic Engineering Division.

PUBLIC COMMENT

There was no public comment under this item.

COMMUNICATIONS, DISCLOSURES AND RECUSALS

Mike Rewey recused himself on item 23. Melissa Berger recused herself on items 20 and 23.

MINUTES OF THE SEPTEMBER 19, 2016 REGULAR MEETING

A motion was made by Rewey, seconded by Cantrell, to Approve the Minutes. The motion passed by voice vote/other.

SCHEDULE OF MEETINGS

November 7, 21 and December 12, 2016

SPECIAL ITEM OF BUSINESS

1. [44794](#) Planning Division staff presentation: Assessing the Health Impact of Neighborhood Planning in the Darbo-Worthington Neighborhood

The Plan Commission received a presentation from Urvashi Martin, Planning Division. No further action was taken on this request.

There were no registrations on this item.

ROUTINE BUSINESS

2. [44582](#) Authorizing the execution of a lease with Grand Arbor Reserve, LLC allowing for the installation of a private fountain system within the Storm Water Utility parcel located at 10350 Rustling Birch Road.

The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Rewey, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

There were no registrations on this item.

3. [44583](#)

Authorizing the execution of a lease with Apollo Way Apartments, LLC allowing for the installation of a private fountain system within the Storm Water Utility parcel located at 602 Jupiter Drive.

The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Rewey, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

There were no registrations on this item.

4. [44609](#)

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of the Capital City Trail Segments 4 - 6, a new shared-use (bicycle and pedestrian) path along the Wisconsin Department of Transportation Railroad Corridor from Vondron Road to Interstate Highway 39/90. Located in part of the NE 1/4 and SE 1/4 of the SE 1/4 of Section 15 and the SW 1/4 and SE 1/4 of the SW 1/4 of Section 14, T7N, R10E, in the City of Madison. (16th AD)

The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Rewey, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

There were no registrations on this item.

PUBLIC HEARING-5:45 p.m.

Note: Public Hearing items may be called at any time after the beginning of the public hearing. Those wishing to speak on an item must fill out a registration slip and give it to the Secretary. The Plan Commission uses a consent agenda, which means that the Commission can consider any item at 5:45 p.m. where there are no registrants wishing to speak in opposition regardless of its placement on the agenda.

Detachment from City

5. [44621](#)

Creating Section 15.01(601) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" detaching from Ward 1, 16th Aldermanic District, the Norman and Peggy Anderson Property.

On a motion by Cantrell, seconded by Berger, the Plan Commission recommended approval of this item. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

There were no registrations on this item.

Zoning Map Amendment & Related Request

- 6. [43823](#) Creating Section 28.022 -- 00249 of the Madison General Ordinances to change the zoning of property located at 7902 Watts Road, 9th Aldermanic District, from A (Agricultural) District to TR-U1 (Traditional Residential - Urban 1) District.

On a motion by Cantrell, seconded by Rewey, the Plan Commission found the standards were met and recommended approval of the zoning map amendment (File ID #43823) and approved the conditional use (File ID #43579) subject to the comments and conditions contained in the Plan Commission materials and the following additional conditions:

- That light "e" complies with City lighting standards, including those for dark sky compliance.
- That the "northwest" building includes an actuated door and a wider bike access be provided to that door.

The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Rewey, to RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING. The motion passed by voice vote/other.

The public hearings for items 6 and 7 were considered together. Registered in support and available to answer questions were Michael C. Morey of Science Court; Michael L. Morey of Farnglade Circle, Verona; Dave Gerry of Watts Road; and Scott Arndt of Watts Road.

- 7. [43579](#) Consideration of a conditional use for a residential building complex to allow construction of 156 apartments in two buildings at 7902 Watts Road; 9th Ald. Dist.

On a motion by Cantrell, seconded by Rewey, the Plan Commission found the standards were met and recommended approval of the zoning map amendment (File ID #43823) and approved the conditional use (File ID #43579) subject to the comments and conditions contained in the Plan Commission materials and the following additional conditions:

- That light "e" complies with City lighting standards, including those for dark sky compliance.
- That the "northwest" building includes an actuated door and a wider bike access be provided to that door.

The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Rewey, to Approve. The motion passed by voice vote/other.

The public hearings for items 6 and 7 were considered together. Registered in support and available to answer questions were Michael C. Morey of Science Court; Michael L. Morey of Farnglade Circle, Verona; Dave Gerry of Watts Road; and Scott Arndt of Watts Road.

Zoning Text Amendments

- 8. [44251](#) Amending Sections 28.032(1), 28.061(1), 28.072, 28.082, and 28.091 of the Madison General Ordinances to make outdoor recreation a conditional use when an accessory use in all districts except LMX, NMX AND TSS.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and recommended approval of this zoning text amendment. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice

vote/other.

There were no registrations on this item.

- 9. [44254](#) SUBSTITUTE Amending Sections 28.061, 28.132(1), and 28.151 of the Madison General Ordinances to allow emergency electric generators as permitted uses in certain districts, to allow them to encroach into the side and rear yard setbacks, and to eliminate supplemental regulations related to location and noise mitigation.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and recommended approval of this zoning text amendment. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

There were no registrations on this item.

- 10. [44255](#) Amending Section 28.151 of the Madison General Ordinances to allow the plan commission to modify entrance orientation requirements in certain buildings located in residential building complexes as part of the conditional use approval.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and recommended approval of this zoning text amendment. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

There were no registrations on this item.

- 11. [44257](#) Amending Section 28.072(1) of the Madison General Ordinances to allow the lease of off-street parking facility accessory to residential use to non-tenants as a permitted use in the UOR, DR1, and DR2 districts.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and recommended approval of this zoning text amendment. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

There were no registrations on this item.

- 12. [44258](#) Amending Section 28.078(3) of the Madison General Ordinances to make the residential point system calculation in the DR1 District the same as the residential point system calculation in the DR2 District.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and recommended approval of this zoning text amendment. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

There were no registrations on this item.

- 13. [44260](#) Amending Sections 28.140(1)(d) and (e) of the Madison General Ordinances to restrict when roof decks, porches, and balconies may be counted as usable open space.

On a motion by Cantrell, seconded by Berger, the Plan Commission recommended this item be re-referred to the Plan Commission meeting of November 21, 2016 (December 6, 2016 Common Council meeting at the request of the ordinance sponsor. This vote passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING to the PLAN COMMISSION and should be returned by 11/21/2016. The motion passed by voice vote/other.

There were no registrations on this item.

14. [44496](#)

Amending Sections 28.082 and 28.151 of the Madison General Ordinances to allow colleges and universities and schools, arts, technical or trade as a permitted use with supplemental regulations in the SEC District.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and recommended approval of this zoning text amendment. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

There were no registrations on this item.

Land Division

15. [44186](#)

Approving a Certified Survey Map of property owned by the Korean Presbyterian Church of Madison located at 6906 Colony Drive; 19th Ald. Dist.

On a motion by Cantrell, seconded by Rewey, the Plan Commission found that the standards were met and approved the Certified Survey Map (File ID #44186) and the Conditional Use (File ID #44175) subject to the comments and conditions contained within the Plan Commission materials and the following additional condition:

- That the applicant shall work with staff and modify the on-site retaining walls to decrease their overall height and incorporate tiered walls, provide additional landscaping, and provide a minimum four-foot tall privacy fence. Modifications shall also provide on-site drainage as required by City Ordinance. Final details shall be approved by City Planning, Zoning, and City Engineering staff.

The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Rewey, to RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER. The motion passed by voice vote/other.

The public hearings for items 15 and 16 were considered together. Speaking in support were John Scott of Pine Way, Oregon and Sara Wealti of Main Street, Evansville. Registered in support and not wishing to speak were Mallory Schultz of West Park Drive, Marshall and Sherri Scott of Frawley Drive. Speaking in neither support nor opposition was Tim Prince of Acadia Drive.

Conditional Use & Demolition Permits

16. [44175](#)

Consideration of a conditional use to allow construction of a daycare facility on property addressed as 6906 Colony Drive; 19th Ald. Dist.

On a motion by Cantrell, seconded by Rewey, the Plan Commission found that the standards were met and approved the Certified Survey Map (File ID #44186) and the Conditional Use (File ID #44175) subject to the comments and conditions contained within the Plan Commission materials and the following additional condition:

- That the applicant shall work with staff and modify the on-site retaining walls to decrease their overall height and incorporate tiered walls, provide additional landscaping, and provide a minimum four-foot tall privacy fence. Modifications shall also provide on-site drainage as required by City Ordinance. Final

details shall be approved by City Planning, Zoning, and City Engineering staff.

The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Rewey, to Approve. The motion passed by voice vote/other.

The public hearings for items 15 and 16 were considered together. Speaking in support were John Scott of Pine Way, Oregon and Sara Wealti of Main Street, Evansville. Registered in support and not wishing to speak were Mallory Schultz of West Park Drive, Marshall; and Sherri Scott of Frawley Drive. Speaking in neither support nor opposition was Tim Prince of Acadia Drive.

- 17. [44174](#) Consideration of a conditional use to convert an existing accessory building into a single-family detached dwelling in the Traditional Shopping Street (TSS) zoning district at 2725 Atwood Avenue; 6th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and approved this request subject to the comments and conditions contained within the Plan Commission materials. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to Approve. The motion passed by voice vote/other.

Registered in support but not speaking was Roger Smith of Atwood Avenue, representing the applicant.

- 18. [44178](#) Consideration of a conditional use to construct a temporary outdoor recreation facility (ice rink) in the parking lot of an ice arena at 725 Forward Drive in Urban Design Dist. 2.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and approved this request subject to the comments and conditions contained within the Plan Commission materials. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to Approve. The motion passed by voice vote/other.

There were no registrations on this item.

- 19. [44182](#) Consideration of a conditional use to convert and expand a former furniture store into a movie theater, brewpub and restaurant at 89 East Towne Mall; 17th Ald. Dist.

On a motion by Cantrell, seconded by Rewey, the Plan Commission found the standards met and approved this request subject to the comments and conditions contained within the Plan Commission materials. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Rewey, to Approve. The motion passed by voice vote/other.

Speaking in support of this item were Justin Long of Pine Train, Chattanooga, TN; and Justin Frahm of Horizon Drive, Verona.

- 20. [44183](#) Consideration of a major alteration to an approved conditional use to allow construction of 11 live-work units and 32 multi-family dwellings along the E. Mifflin Street side of "The Galaxie" mixed-use development, generally addressed as 810 E. Washington Avenue; Urban Design Dist. 8; 2nd Ald. Dist.

On a motion by Ald. King, seconded by Cantrell, the Plan Commission referred this item to their November 7, 2016 meeting pending review by the Urban Design Commission. The motion passed by the following 6:0 vote: AYE: Ald. King, Sheppard, Oeth, Rewey, Cantrell, and Polewski; NON-VOTING: OPIN; RECUSED: Berger; and EXCUSED: Ald. Carter, Ald. Zellers, and Bendada. This motion was approved after the Plan Commission voted to reconsider this item on a motion by Rewey and seconded by Ald. King. The motion to reconsider passed by voice vote / other.

A motion was made by King, seconded by Cantrell, to Refer to the PLAN COMMISSION, due back on 11/7/2016. The motion passed by the following vote:

Ayes: 6 - Steve King; Maurice C. Sheppard; James F. Oeth; Michael W. Rewey; Bradley A. Cantrell and James E. Polewski

Recused: 1 - Melissa M. Berger

Excused: 3 - Ledell Zellers; Sheri Carter and Fatima Bendada

Non Voting: 1 - Ken Opin

There were no registrations on this item.

21. [44185](#) Consideration of a conditional use for a private parking facility in UMX (Urban Mixed-Use) zoning at 631 W. Washington Avenue; 4th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and approved this request subject to the comments and conditions contained within the Plan Commission materials. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to Approve. The motion passed by voice vote/other.

Registered in support and available to answer questions was James McFadden of West Washington Avenue, representing the applicant,

22. [44431](#) Consideration of a conditional use to construct an auto sales facility exceeding 25,000 square feet of gross floor area in CC-T (Commercial Corridor- Transitional District) zoning at 5401-5425 High Crossing Boulevard; 17th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and approved this request subject to the comments and conditions contained within the Plan Commission materials. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to Approve. The motion passed by voice vote/other.

Registered in support and available to answer questions was Tom Knoop of Emil Street, representing Don Miller Subaru.

23. [44432](#) Consideration of a conditional use to construct a restaurant-tavern in an existing mixed-used building with an outdoor eating area at 8 N. Livingston Street and 858 E. Washington Avenue; Urban Design Dist. 8; 2nd Ald. Dist.

On a motion by Ald. King, seconded by Cantrell, the Plan Commission found the standards met and approved this item subject to the comments and conditions contained within the Plan Commission materials. This item passed by the following 5:0 vote: AYE: Ald. King, Sheppard, Oeth, Cantrell, and Polewski; NON-VOTING: OPIN; RECUSED: Berger and Rewey; and EXCUSED: Ald. Carter, Ald. Zellers, and Bendada. This motion was approved after the Plan Commission voted to reconsider this item on a motion by Rewey and seconded by Ald. King. The motion to reconsider passed by voice vote / other.

A motion was made by King, seconded by Cantrell, to Approve. The motion passed by the following vote:

Ayes: 6 - Maurice C. Sheppard; Melissa M. Berger; James F. Oeth; Bradley A. Cantrell; James E. Polewski and Steve King

Recused: 1 - Michael W. Rewey

Excused: 3 - Ledell Zellers; Sheri Carter and Fatima Bendada

Non Voting: 1 - Ken Opin

There were no registrations on this item.

- 24.** [44433](#) Consideration of a conditional use for an outdoor eating area for a restaurant-tavern at 1968 Atwood Avenue; 6th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and approved this request subject to the comments and conditions contained within the Plan Commission materials. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to Approve. The motion passed by voice vote/other.

Registered in support and available to answer questions was Michael Randall of Atwood Avenue representing the Ideal Bar.
- 25.** [44434](#) Consideration of a demolition permit to allow demolition of a commercial building with no proposed use at 2605 Todd Drive; 14th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission referred this item to their November 7, 2016 meeting. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to Refer to the PLAN COMMISSION and should be returned by 11/7/2016. The motion passed by voice vote/other.

There were no registrations on this item.
- 26.** [44435](#) Consideration of a conditional use to construct a public school in an existing multi-tenant commercial building at 202 S. Gammon Road; 9th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and approved this request subject to the comments and conditions contained within the Plan Commission materials. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to Approve. The motion passed by voice vote/other.

Registered in support and available to answer questions was Steven Kieckhafer of Crossroads Drive, representing the Madison Metropolitan School District.
- 27.** [44436](#) Consideration of a conditional use to construct a public school in an existing multi-tenant commercial building at 210 E. Olin Avenue; Urban Design District 1; 14th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and approved this request subject to the comments and conditions contained within the Plan Commission materials. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to Approve. The motion passed by voice vote/other.

Registered in support and available to answer questions was Steven Kieckhafer of Crossroads Drive, representing the Madison Metropolitan School District.
- 28.** [44437](#) Consideration of a conditional use to convert an existing building into a distillery at 1413 Northern Court; 6th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission found the standards met and approved this request subject to the comments and conditions contained within the Plan Commission materials. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to Approve. The motion passed by voice vote/other.

Registered in support and available to answer questions were Kirk Biodrowski of Elmwood Avenue representing the State Line Distillery; John Mleziva of Mohican Pass; and Eric Welch of Williamson Street. Registered in support and not wishing to speak were Deanna Haase of Mohican Pass; Matt Apter of Williamson Street; TJ Blitz of Williamson Street; Victor Tonolo of North Hamilton Street; William Butcher of Jenifer Street; Jesse Pycha-Holst of Jenifer Street; and Troy Sedlak of Van Duesen Street.

29. [44439](#) Consideration of a conditional use for a private club at 2310 Mustang Way; 16th Ald. Dist.

This item was withdrawn by the applicant. On a motion by Cantrell, seconded by Berger, the Plan Commission placed this item on file without prejudice. The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Berger, to Place On File Without Prejudice. The motion passed by voice vote/other.

There were no registrations on this item.

BUSINESS BY MEMBERS

There was no Business By Members.

SECRETARY'S REPORT

Heather Stouder summarized the Jeffrey Clay Erlanger Award procedure. During this discussion, Commissioners Cantrell, Polewski, and Opin stated their intent to nominate Ken Golden for this award. Ms. Stouder noted the Planning Division will be closed on November 4 due to the temporary office move to the corner of Hamilton and Fairchild Streets as the Madison Municipal Building is remodelled. Ms. Stouder then summarized the upcoming matters.

30. [40497](#) Accepting Nominations for the 2016 Jeffrey Clay Erlanger Award

- Upcoming Matters - November 7, 2016

- 1109-1123 S. Park Street - Demolition Permit and Conditional Use - Demolish restaurant and 3 retail buildings to allow construction of mixed-use building with 9,200 square feet of commercial space and 39 apartments in Urban Design Dist. 7
- 604 South Point Road - SR-V2 to TR-U1 and Conditional Use - Construct residential building complex with 274 apartment units in 5 buildings
- 489 Commerce Drive - PD(GDP) to Amended PD(GDP-SIP) - Construct 80-unit apartment building
- 8102 Watts Road - PD(GDP) to Amended PD(GDP-SIP) - Construct 106-room hotel
- 2645 Union Street - Zoning Map Correction - Provide consistent zoning for place of worship and residence on same parcel
- 1101-1121 University Avenue - Demolition Permit and Conditional Use - Demolish residence attached to church and portion of existing UW Chemistry Building to allow construction of nine-story academic tower as part of Chemistry renovation
- 4325 Nakoma Road - Demolition Permit and Conditional Use - Demolish skilled nursing facility to construct skilled nursing and assisted living facility
- 8017 Excelsior Drive - Conditional Use - Convert tenant space in existing building into space for Madison College in SEC zoning
- 1401 Emil Street - Conditional Use - Establish vehicle-access sales and service window for multi-tenant commercial building
- 3118 Kingsley Way - Conditional Use - Establish rock-climbing training facility (arts/ technical/ trade school) in IL zoning
- 2921 N. Sherman Avenue - Conditional Use Alteration - Revised parking lot layout with drop-off area for grocery store at Northside Town Center

- Upcoming Matters - November 21, 2016

- 1004-1032 S. Park Street - Amended PD(GDP-SIP) - Revised plans for approved mixed-use building to include 1,965 square feet of commercial space, 156 apartments and 5 live-work units
- 119-125 N. Butler Street 120-124 N. Hancock Street - Demolition Permit and Conditional Use - Demolish

two-family residence and four-unit apartment building to construct 52-unit apartment building in residential building complex that includes two existing two-family residences to remain
- 53 West Towne Mall - Conditional Use - Convert existing Sears store into multi-tenant commercial building, convert auto repair shop into two restaurants and create 3 commercial pad sites in reconfigured parking lot

ANNOUNCEMENTS

Ken Opin stated he would not be present at the November 21, 2016 Plan Commission Meeting. Brad Cantrell stated he would not be present for the December 12, 2016 Plan Commission meeting.

ADJOURNMENT

A motion was made by King, seconded by Rewey, to Adjourn at 7:31 pm. The motion passed by voice vote/other.